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PTO/SB/64 (10-00)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
45163-1008

First named inventor: Bi-yu Li et al.

Application No.: 09/896,324

Group Art Unit: 1645

Filed: June 29, 2001

Examiner: To be assigned

Title: METHOD AND IDENTIFICATION, SEPARATION AND QUANTITATIVE MEASURE OF NUCLEIC ACID FRAGMENTS

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1,280.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of a Reply and a Request to Reconsider Non-Publication Request

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$_____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

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Burden Hour Statement. This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Telephone
Number: (619) 236-1441

1/17/2002
Date

Michael T. Cruz
Signature

Michael T. Cruz

Typed or printed name
101 West Broadway, 12th Floor
Address
San Diego, California 92101

Enclosures: ☒ Fee Payment

- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Request to Rescind Previous Non-Publication Request

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

1/22/2002
Date

L. Cruz
Signature

LAREN M. CRUZ
Type or printed name of person signing certificate

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PATENT
Atty Docket No. 45163-1008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Bi-yu LI et al.

Group Art Unit: 1645

Examiner: To be assigned

Serial No.: 09/896,324

Filed: June 29, 2001

For: METHOD FOR
IDENTIFICATION,
SEPARATION AND
QUANTITATIVE MEASURE OF
NUCLEIC ACID FRAGMENTS

San Diego, California 92101
January 17, 2002

Commissioner for Patents
Washington, D.C. 20231

REPLY IN COMPLIANCE WITH 37 C.F.R. § 1.137

Dear Sir:

In support of a petition for the revival of an unintentionally abandoned application, Petitioner respectfully submits this reply in full compliance of 37 C.F.R. § 1.137(b)(1). According to 37 C.F.R. § 1.137(f), in order to satisfy the reply requirement of paragraph (c) of this section, Petitioner

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage and an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: January 22, 2002

Signature

Karen Cruz

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respectfully notifies the U.S. Patent & Trademark Office that an application directed to the invention disclosed in the above-identified application has also been filed in a foreign country or under a multilateral international agreement.

In the event that an additional fee is due, the Commissioner is authorized to charge any deficiency, or credit any overpayment, to our deposit account, No. 02-0410 in the name of Baker & McKenzie. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BAKER & McKENZIE

By:

Michael T. Cruz

Michael T. Cruz
Attorney for Applicants
c/o Baker & McKenzie

101 West Broadway, 12th Floor
San Diego, California 92101
(619) 236-1441